

REGULAR MEETING-MANSFIELD TOWN COUNCIL
October 14, 2008

Mayor Elizabeth Paterson called the regular meeting of the Mansfield Town Council to order at 7:30 p.m. in the Council Chambers of the Audrey P. Beck Building.

I. ROLL CALL

Present: Blair, Clouette, Duffy (arrived 8:55), Haddad, Koehn, Nesbitt, Paterson, Paulhus
Excused: Schaefer

Mayor Paterson announced the Council meeting was being video taped and thanked Rick Hossack for volunteering to operate the camera. Ms. Koehn also thanked the volunteers who taped the previous meeting.

II. APPROVAL OF MINUTES

Ms. Koehn moved and Mr. Paulhus seconded to approve the minutes of the September 10, 2008 Special meeting as presented. The motion passed unanimously. Ms. Blair moved and Mr. Clouette seconded to approve the minutes of the September 22, 2008 meeting as corrected. The motion passed unanimously.

III. OPPORTUNITY FOR PUBLIC TO ADDRESS THE COUNCIL

Richard Cowles, 50 Meadowood Road, voiced his concerns regarding the community wells proposed for Ponde Place and questioned the potential effect on the recharge area. (Statement attached)

Betty Wassmundt, Old Turnpike Road, questioned the funding of the Capital Funds Coordinator in the capital project fund and questioned why the partition repair was budgeted for \$30,000 and cost \$9,000. She asked that the salary and benefits contained in each of the capital projects be broken out to determine what is being spent for the public good.

Ms. Wassmundt asked members to consider carefully the increase for non-union personnel and asked the Council to explain why the Town is supporting the Discovery Depot, a private non-profit business.

Rick Hossack, 432 Middle Turnpike, agreed with Ms. Wassmundt's remarks and commented that the income disparity between staff receiving a lower income and those receiving a higher income is causing concern. He asked the Council to approve a resolution to cut taxes for next year.

IV. TOWN MANAGER'S REPORT

Report attached

Town Manager Matt Hart announced the scheduled executive session regarding the review of strategies and negotiations for the Storrs Development Project will not be needed this evening as a special meeting has been scheduled for October 16th.

Mr. Haddad asked if CL&P has offered any alternative plans to the Town. The Town Manager will provide information to the Council.

V. PUBLIC HEARING

1. Proposed Amendments to Building Construction Ordinance

Mike Nintean, Director of Building and Housing Inspection, reviewed the proposed amendments and the results of the comparative research based on 19 towns. Based on last year's revenues these amendments would increase revenues by about \$11,000.

Mayor Paterson noted that the received written correspondence had been distributed to the members and would become part of the record.

Betty Wassmundt, Old Turnpike Road, read the correspondence received from John and Joyce Crepeau. (Statement attached).

David Freudmann, 22 Eastwood Road, spoke in opposition to the amendment taking issue with the results of the research and stating that more investment in growth is needed in Town and not additional fee increases.

Betty Wassmundt, Old Turnpike Road, disagreed with the methodology used in the explanation of the fee changes and offered her own research. (Statement attached)

Mike Sikoski, Wildwood Road, spoke in opposition to the amendments, as he is opposed to raising any fees in Mansfield. Mr. Sikoski feels cost and waste should be cut before increasing revenue.

VI. OLD BUSINESS

2. White Oak Condominiums, Sewer Project

Mark Peterson representing Gardner & Peterson Associates, LLC reviewed the design for the proposed leaching field for White Oak Condominiums to be installed on Town owned open space and requested approval for the project. Scott Glennon, President of White Oak Condominium, commented that the Association has been working with the staff to address a problem inherited from the previous owners. In response to a question Mr. Glennon outlined water conservation efforts taken by the association.

Ms. Duffy arrived at 8:55 p.m.

Jennifer Perry Zmijewski, a sanitary engineer for the DEP, stated that there is no alternative to the proposed project and that the repairs will meet all DEP approval criteria. She encouraged the Town to approve the project.

Greg Padick, Director of Planning and Rob Miller, Director of Eastern Highland Health District both have been involved in the effort to find the best available

answer to this community health problem and believe the project as proposed is feasible.

Rudy Favretti, Chair of the Planning and Zoning Commission, reported the Commission voted unanimously against the proposal. The feeling of the PZC was that in their role they could not support a precedent for the use of public land for a private purpose.

Mr. Clouette moved and Mr. Paulhus seconded effective October 15, 2008, to authorize Town Manager, Matthew W. Hart, subject to the conditions cited below to execute easement documents that authorize the use of a portion of Dunhamtown Forest for sanitary system improvements for the White Oak Condominium Association. It is understood that this authorization is not to be considered a binding precedent to allow other property owners or potential developers to use Town land for private purposes. Further, this authorization is subject to the following conditions:

- i. Construction plans shall be revised to detail all authorized work on Town land including: tree and stump removal, installation of sanitary system improvements and monitoring wells with security covers, access gates and parking lot improvements.
- ii. No work shall begin until all required local and state permits are approved.
- iii. All required legal documents, including the proposed easements and an operation and maintenance agreement with escrow fund provisions, shall be approved by the Town Attorney, and, where appropriate, filed on the Land Records.
- iv. \$15,000 is submitted to the Town for deposit in Mansfield's open space fund.

Council members discussed the lack of options available to the Town since the DEP will require the Town to address the issue if this proposal is not approved; the wish to limit the amount of Town space used; the cooperative manner in which this agreement was reached and the beneficial input from the many advisory committees who commented on the project. Ms. Koehn objected to the lack of a specific number for the acreage to be used for the easement and that the motion was at odds with the recommendations of the Conservation Commission regarding the monies and the manner in which the money should be deposited and the amount of money for open space.

The motion passed with Blair, Clouette, Haddad, Nesbitt, Paterson and Paulhus in favor, Koehn opposed and Duffy abstaining.

3. Proposed Amendments to Building Construction Ordinance

Mr. Paulhus moved and Ms. Blair seconded effective October 14, 2008, to adopt the proposed amendments to Sections 107-2 and 107-4 of the Building Construction Ordinance, as detailed in the attached draft dated September 22, 2008, which amendments shall be effective 21 days after publication in a newspaper having circulation in the Town of Mansfield.

Council members discussed whether the fees should cover the cost of the department or provide an incentive/disincentive for a social purpose; the established precedent in Mansfield that residential and commercial fees are different; and the difficulty in determining a cost analysis using both direct and indirect cost.

The motion passed with Duffy, Haddad, Koehn, and Paterson in favor, Clouette, Nesbitt and Paulhus opposed and Blair abstaining.

4. Community/Campus Relations

Town Manager Matt Hart requested the Spring Weekend Report contained in the packet be discussed at the next meeting. Mr. Hart also distributed a copy of his testimony presented to the UConn's Board of Trustee's Student Life Committee. (Statement attached)

Mayor Paterson also addressed the Student Life Committee as the vice-chair of the Mansfield Community Campus Partnership. In her remarks the Mayor emphasized the proactive actions the Town and University have taken over the last 5-6 years.

Greg Padick, Director of Planning reported the Compost Siting Committee has reached a preliminary consensus on two sites both located near the Depot Campus. Details on the November 19th public information session will follow.

5. Community Water and Wastewater Issues

Council members discussed the community wells expected to be proposed for Ponde Place. In response to remarks made by Mr. Cowles earlier in the evening, Ms. Koehn asked that the water withdrawal amounts be rechecked to assure the correct figures for students are being used. Ms. Blair asked that specific attention be paid to possible effects on neighboring wells. Director of Planning Greg Padick and Director of Health Rob Miller said they would encourage the state to conduct yield tests.

VII. NEW BUSINESS

6. Advisory Committee for Four Corners Sewer Planning Project

Mr. Nesbitt moved and Mr. Paulhus seconded the following resolutions:

RESOLUTION TO ESTABLISH AND ISSUE CHARGE TO AN ADVISORY COMMITTEE FOR THE FOUR CORNERS SEWER PLANNING PROJECT

WHEREAS, the Town has recently completed a Facilities Plan indicating the feasibility of sewerage the area surrounding the Route 195/Route 44 "Four Corners" and defining the extent of said sewer service area;

WHEREAS, planning for this project is continuing and will likely result in a bond referendum within the next year to approve funds for the design and construction of sewers;

WHEREAS, the Town Council has recently received a community based strategic plan, which among other goals endorses the principle of sustainability with respect to planning and economic development;

WHEREAS, the input of property owners, other interested parties and the Mansfield community is necessary for the development of a project that meets the Town's sustainability goals,

WHEREAS, an advisory committee for the Four Corners Sewer Planning project can be appointed and set to work while the Town Council is considering appropriate changes to its advisory committees and commissions, and may be combined with or replaced by a permanent committee or commission at some point in the future as determined by the Council;

WHEREAS, an advisory committee would assist the Town in planning for the sewer project, most importantly between the present time and the bond referendum, when and if such a referendum is scheduled; and

WHEREAS, the Town Council desires to establish an Advisory Committee to assist with this sewer planning project:

NOW, THEREFORE BE IT RESOLVED THAT:

A nine-member Four Corners Sewer Study Advisory Committee is established for the term of the Four Corners sewer project (or until it is replaced by a permanent committee or commission by the Council) and is authorized to perform the following charge:

1. Advise the Town Council, the Water Pollution Control Authority, the Planning and Zoning Commission and staff in its sewer and water planning efforts for the Four Corners by reviewing plans, proposals, studies and analyses;
2. Assist the Town staff in creating and reviewing economic development scenarios and preliminary fiscal impact analyses for the Four Corners area;
3. Communicate with the Mansfield Downtown Partnership so that the proposed Storrs Center development and any Four Corners development are coordinated;
4. Coordinate with the Town Council's Finance Committee on any recommendation for the Town's financial participation in the sewer project;
5. Assist with information sharing and public input for the project amongst sewer service area property owners, other interested parties, and the Mansfield community.
6. Assist the staff and Planning and Zoning Commission in the review and expected adoption of a Four Corners special design district (in an advisory role as the PZC is statutorily charged with this activity).

RESOLUTION TO APPOINT MEMBERS OF THE FOUR CORNERS SEWER STUDY

ADVISORY COMMITTEE

WHEREAS, the Town Council desires to appoint a Four Corners Sewer Study Advisory Committee to assist with the planning for sewers in the Four Corners area:

NOW, THEREFORE, BE IT RESOLVED TO:

Appoint a Four Corners Sewer Study Advisory Committee with the following members:

1. Two members of the Town Council
2. One representative from the Planning and Zoning Commission
3. The Town Manager
4. One representative from the University of Connecticut
5. One representative from the Mansfield Downtown Partnership
6. Three citizens (preferably at least one from the Mansfield business community)

Mr. Nesbitt described a need to provide a mechanism to gather all the information that needs to be assembled and verified before the referendum. Ms. Koehn expressed a wish to wait until the Strategic Plan was in place, priorities were set and the committees had been reorganized.

The motion to approve passed with all in favor except Ms. Koehn who was opposed and Mr. Clouette who abstained.

The Committee on Committee will be charged with staffing the new Committee. Mayor Paterson requested that interested Council members contact Ms. Duffy.

7. Child and Adult Care Food Program Application for Mansfield Discovery Depot

Mr. Paulhus moved and Ms. Duffy seconded the following resolution:
Resolved, effective October 14, 2008, to authorize the Town Manager, Matthew W. Hart, to submit the attached application to the Connecticut Department of Education's Child and Adult Care Food Program (CAVFP) to help fund the food service operation at the Mansfield Discovery Depot, and to execute any related grant documents.

Motion passed unanimously.

8. Alternate Fuel Vehicle Grant Authorization

Ms. Koehn moved and Ms. Blair seconded to approve the following resolution:
Resolved that the Town Council hereby authorize Town Director of Finance, Jeffrey H. Smith, to enter into an Agreement between the State of CT and the Town of Mansfield for a cash grant toward the purchase of Alternative/Clean Fuel Vehicle(s), FHWA Project no. 000R(534); State Project No. 170-2778 for the purchase of one Toyota Prius. Said Finance Director is further authorized and directed to execute and deliver any and all documents on behalf of the Town of Mansfield and to do and perform all acts and things which he deems necessary or appropriate to carry out the terms of such documents including, but not limited to, executing and delivering all agreements and documents contemplated by such documents.

Motion passed unanimously.

9. Acceptance of New Town Road: Extension of Adeline Place

Mr. Haddad moved and Ms. Blair seconded effective October 14, 2008, to authorize Town Manager Matthew W. Hart, subject to the condition cited below, to accept as a Town road the extension of Adeline Place as constructed in association with the Pine Grove Estates subdivision. Town acceptance shall be subject to execution by the Planning and Zoning Commission Chairman, Mansfield Controller, and the developer of a one-year maintenance bond agreement that addresses all regulatory requirements and approval conditions.

Motion passed unanimously.

10. Capital Improvement Program Closeouts

Mr. Clouette moved and Ms. Blair seconded effective October 14, 2008, to approve the adjustments to the capital projects fund, as recommended by the Director of Finance in his correspondence dated October 14, 2008.

Finance Director Jeff Smith answered questions raised by Ms. Wassmundt earlier in the meeting. The Capital Project Coordinator has always been listed in the capital fund as a way to assure the capital projects pay for the cost of administration, but in the future this may change. The partition in question ended up costing less than originally thought.

Motion passed unanimously.

11. Fiscal Year 2008/09 Wage Adjustment for Nonunion Personnel

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Mr. Haddad moved and Ms. Blair seconded to endorse the Town Manager's recommendation to: 1) increase the pay rates in the Town Administrative Pay Plan by 3.5 percent; 2) authorize the Town Manager to award those non-exempt employees in the pay plan with a 3.5 percent wage increase; 3) authorize the Town Manager to award those exempt employees in the pay plan with a 3.5 percent wage increase; and 4) authorize the Town Manager to make the additional changes to the compensation for nonunion employees as recommended by the Town Manager in his memorandum dated October 14, 2008. Said adjustments to compensation paid to nonunion employees shall be effective July 1, 2008.

Mr. Haddad, Chair of the Personnel Committee, explained the motion divides employees into different groups which is intended to offer guidance to the Town Manager as the Committee looks at overhauling the personnel review process

Motion passed unanimously

VIII. DEPARTMENTAL AND COMMITTEE REPORTS

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None

IX. REPORTS OF COUNCIL COMMITTEES

Ms. Duffy, Chair of the Committee on Committees, offered the following names as the Committee's recommendations to serve on the Community Quality of Life Committee:

David Morse
Denise Keane
Joseph Briody
Jane Fried
Dana White

Motion to approve passed with Ms. Koehn (Chair of the Community Quality of Life Committee) abstained.

Ms. Duffy thanked the Committee members and the 16 applicants who volunteered for the Community Quality of Life Committee.

Ms. Duffy offered the Committees recommendation of Michael Kurland as a reappointment to the Eastern Highland Health District' Board.

Motion to approve passed unanimously.

The Committee on Committee met with Communication Advisory Committee and discussed a variety of venues to communicate with the constituents.

Mr. Clouette reporting for the Financial Committee stated that at their last meeting they discussed the current economic downturn's effect on the budget and the development of purchasing regulations.

X. REPORTS OF COUNCIL MEMBERS

None

XI. PETITIONS, REQUEST AND COMMUNICATIONS

12. CCM re: AT&T Must Receive Consent, Notify Municipalities of Large Cable Boxes

13. CCM re: Confidentiality of Social Security Numbers

14. CCM re: CT to Receive \$25 Million in Foreclosure Assistance

15. CCM re: Election 2008 Campaign

16. Chronicle, "Editorial: We Offer These Threads, Needles" – 09/29/08

17. Chronicle, "Festive Festival on the Green" – 09/15/08

18. Chronicle, "Letter to the Editor" – 09/24/08

19. Chronicle, "Letter to the Editor" – 10/07/08

20. Chronicle, "Mansfield Irons Out New Deal for Trash" – 09/23/08

21. Chronicle, "Mansfield Weighs Options for Schools" – 09/18/08

22. Chronicle, "New Rules for Council Meetings" – 09/30/08

23. Chronicle, "Pleasant Valley Land Rezoned" – 09/18/08

24. Chronicle, "Ponde Place Returns With New Proposal" – 09/26/08

25. Chronicle, "River Park Dedicated" – 09/18/08
26. Chronicle, "What's Goin' On?" – 09/16/08
27. Daily Campus, "Festival Celebrates Mansfield" – 09/15/08
28. M. Hart re: Appointee to Committee on Community Quality of Life
29. Hartford Courant, "Mansfield's Day in the Park" – 09/21/08
30. Hartford Courant, "West Hartford Mayor Moves to Cancel or Delay Projects" – 10/06/08
31. Mansfield Today, "Aztec Two Step Chases Away the Blues" – 09/15/08
32. Mansfield Today, "Fireworks Fill the Sky at Mansfield Hollow" – 09/15/08
33. J. Morey re: Paying for Mansfield Public Transit
34. Norwich Bulletin, "Quiet Corner Whispers: Cleanup Transforms Landfill Into Park" – 10/07/08
35. Reminder News, "Festival on the Green" – 09/19/2008
36. State of Connecticut Department of Social Services re: Child Day Care Contract
37. State of Connecticut General Assembly re: PILOT Funds
38. State of Connecticut Office of Policy and Management re: Plan of Conservation and Development
39. State of Connecticut Siting Council re: Notice of Intent to Modify and Existing Telecommunications Facility
40. C. Stites re: Economic Development

XII. OPPORTUNITY FOR PUBLIC TO ADDRESS THE COUNCIL

- Rick Hossack, 432 Middle Turnpike, expressed disappointment that not one Council member voted against the wage increase this evening and ask the members to consider the citizens when voting.

Mike Sikoski, Wildwood Road, argued that contrary to the Building and Housing Director's comments building fees have increased since 2002 because the cost of building has increased.

XIII. FUTURE AGENDAS

- Mr. Paulhus requested the issue of how a failed motion is reconsidered and placed back on the agenda be a future agenda item. He suggested the item be referred to the Personnel Committee for inclusion in the Town Council Rules and Procedures. Mr. Clouette asked the Committee to also review the concept of sessions and meeting with regards to reconsidering a motion. Mr. Haddad added he would like to know how different a motion has to be able to be brought back not as a reconsideration. The Town Clerk will research Roberts Rules and report to the Personnel Committee.

Ms. Blair moved and Mr. Paulhus seconded to move into executive session.

Motion passed unanimously.

XIV. EXECUTIVE SESSION

- Strategy and Negotiations with respect to Storrs Center Development, and Related Commercial and Financial Information Given in Confidence

Present: Cancelled

Also Present:

Town Manager's Performance Evaluation

Present: Blair, Clouette, Duffy, Haddad, Koehn, Nesbitt, Paterson Paulhus

XV. ADJOURNMENT

Mr. Paulhus moved and Ms. Blair seconded to adjourn the meeting.

Motion passed.

Elizabeth Paterson, Mayor

Mary Stanton, Town Clerk